

Wallace Yard and Spur Lines consent decree

Clifford Villa to: Gail.Wurtzler, Robert.Lawrence, craig.trueblood,
denise.lietz, SHimmelh, Darrell.Early
Cc: BARRY.STEIN, Nicholas.Zilka, Ed Moreen, sara.handy

07/31/2009 09:55 PM

All:

Attached below is what I hope will be the final draft of the consent decree for the Wallace Yard and Spur Lines Site, together with most appendices.

Re: CD, I filled in a few final blanks (e.g., DOJ case no.) and incorporated all comments from Gail but two:

- p.3, para. L: BPRP includes commercial as well as residential properties, so proposed insert would be inaccurate;
- p. 15, para. 11.a: proposed addition would inaccurately indicate that DEQ, rather than EPA, seeks reimbursement for BPRP costs. For practical purposes, receipt of "construction drawing" will put Settling Defendants on notice of likely future reimbursement claim.

Re: appendices -- For ease of document production and in the interest of saving trees, I struck the voluminous EE/CA as an appendix to the CD, instead incorporating it by reference. I renumbered the remaining appendices A - E, making conforming changes within the CD.

Re: SOW, I incorporated all edits from Gail and that was about it.

Re: RAWP, we need it, as I know you know.

Re: draft environmental covenant, I added EPA as the formerly unnamed "third party" with rights to enforce the covenant. This will still need work after lodging and entry, consistent with the original intent.

Re: financial assurance certification -- still need this from both companies before lodging. I know you're working on this.

Re: SIGNATURES. Unless Sarah at DOJ says otherwise, I believe we will need these from your clients one week from today (i.e., Aug. 7). If any last Qs, etc., please reply immediately to this email or (b) (6) (b) (6) . (b) (6) .

Thanks.

Cliff Villa
Assistant Regional Counsel
U.S. EPA Region 10



CD - final.pdf



SOW - final.pdf



Environmental Covenant form .pdf